

Nov. 8, 2012

EXHIBIT NO. 245.

Planning Commissioners and Staff:

Thank you for the opportunity to provide comment at the public hearing on the proposed changes to the Critical Areas Ordinance. We are Friends of Pine Lake, a local non-profit group that since 1998 has made continuous efforts to preserve the integrity of our natural environment and protections to properties on the Sammamish Plateau.

The purpose of good regulations and codes is not only the general protection of the environment we all enjoy, but it is also there to ensure that the concept of property rights isn't only meant to imply the owner's right to maximize development. Just as importantly, regulations are developed to protect neighboring property owners from the foreseeable negative impacts of risky development. In other words, good code is all about property rights.

We have been very disappointed in the Commission's process and review of these codes. The decision to review the regulations through a formula has totally shortchanged the environment and other property owners. The forms have been manipulated through your process to have the outcome be what you want it to be.

The review of this ordinance has centered on property owners' use of the land with little regard to the impact the changes could have on losses or improvements to environmental functions or the negative impacts on downstream property owners.

The proper review would have been to ask how the resource is functioning given the last update, what degradation, if any, has occurred, what success has mitigation had and should the regulation be changed or retained due to the reviewed impacts or improvements that have been observed.

In all areas of the review and the proposed changes, you are proposing rollbacks in protections; not because you find they are working so well they should be rolled back, but because you have been lobbied heavily by certain property owners wanting the regulations to be changed, so they can develop their land "to the highest and best use".

4-15d The proposed pilot program for development in the no disturbance area is a good example. It is not new and innovative, or never been tried. It is nothing more than a proposal to build a plat with all the impervious surfaces and clearing like all other development. Putting the stormwater infrastructure in before clearing and grading is what would be new to this proposal. Monitoring has a less than stellar track record in the city. The pilot program will only serve the owners who will be lucky enough to have their plats implemented under this program and does nothing to resolve many other property owner's expectations.

A true pilot program would be more like this: taking the density of the slopes and no-disturbance area, proposing the density be built into a 5-8 story building at the bottom of the slope, and increasing the development's density by buying transfer of development rights from other properties in the no disturbance area. The success of this kind of pilot program could be duplicated elsewhere along the parkway and give relief to upslope property owners. It accomplishes everybody's development expectations without the risk.

- Property owners could develop to their full density on a small footprint, Low Impact Development LID
- Density would be added by purchases of upslope property owners' development rights thereby committing them to leave permanent open space tracts in the no disturbance areas.
- Steep slopes and no disturbance areas would remain forested and stable and the city would not have to build expensive stormwater infrastructure.
- This kind of development is sustainable.

This is the kind of discussion we were hoping to see amongst the commission members as you reviewed these Critical Area Regulations and we hope you will consider as you deliberate and make your recommendations.

Thank you,

Erica Tiliacos

President, Friends of Pine Lake